

Department of Human Services
NOTICE OF PUBLIC HEARING TO ADOPT RULES

A public hearing will be held in Conference Room A at the Department of Human Services, Hillsview Plaza, 3800 E. Highway 34, Pierre, South Dakota, on Tuesday, April 8, 2008 at 1 p.m. (CDT), to consider the adoption and amendment of proposed rules numbered

Article 46:05

The effect of these rule changes will be to: define case management, case manager, division director, evidence based research, liaison activities, probation, and standardized treatment needs assessment and to delete definitions of ASAM, assessment, at risk individuals, catchment area, chemical health, controlled drugs, core service agency, DEA, INH, incapacitated by alcohol and other drugs, independent peer review process, intoxicated person, personal growth, prevention certification, qualified nursing personnel, SDCDCCB, Schedule II, III, or IV drugs, and treatment needs assessment. For rules pertaining to accreditation the effect of these rule changes will be to change pre-accreditation process to a provision process, increase the time allowed for the decision to notify an agency regarding renewal from 30 to 90 days, increases the accreditation period by one year for each level, adds timelines not previously provided in rule regarding notification to the agency, adds new rules regarding probation, suspension, revocation, or adding new clients if an agency is on a probationary or suspended status, appeal and time and place for hearing for an agency to appeal the division's decision. For rules pertaining to management the effect of these rule changes will be to clarify which type of agencies must be incorporated, updates the list of prohibited discrimination to include mental or physical illness, updates the fiscal practices to reflect current practices, updates the tuberculin infection control and screening requirements for employees to reflect current CDS guidelines, adds a new rule on outcome measures requiring the collection of evidence based pre-and post-test data on clients receiving prevention services, and repeals several rules regarding personnel management. For rules pertaining to client rights the effect of these changes will be to add to the list of guaranteed rights of the client, update federal references to HIPAA to ensure privacy of protected health information, and update the discharge policy requirements to include clients leaving against medical or staff advice. For rules pertaining to programming the effect of these rule changes will be to update the process on quality care reviews changing it from three open to three closed files, update the purpose and scope of prevention programs, add a new rule on prevention classification and determining evidence based intervention, clarifies the description of services, clarifies continued service criteria, updates rules on staffing and hours of operation, adds rules on tuberculin screening for clients, patient placement criteria, adds or updates rules on drug and alcohol testing of clients, and updates all of the program titles.

These rules are being amended to: update and clarify existing rules, institute form and style changes, amend and define terms, update references, and allow more flexibility within the agencies.

Persons interested in presenting data, statements, opinions and arguments for or against the proposed rules may do so by appearing in person at the hearing on April 8, 2008, or by sending them to the Department of Human Services, Hillsview Plaza, E. Highway 34, c/o 500 E. Capitol, Pierre, South Dakota 57501-5070. C/o Velda Bartel, Administrative Rules Coordinator. **Material sent by mail must reach the Department of Human Services by April 18, 2008, to be considered.**

After the hearing, the Department of Human Services will consider all written and oral comments it receives on the proposed rules. The Department may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the above-mentioned office within 48 hours of the public hearing if you have special needs for which this agency will need to make arrangements. The telephone number for making special arrangements is (605) 773-5990 or (605) 773-6412 TTY.

Copies of the proposed rules may be obtained without charge from:

Department of Human Services
Hillsview Plaza, East Hwy. 34
C/o 500 East Capitol
Pierre, South Dakota 57501-5070

Or downloaded from the SD Division of Alcohol and Drug Abuse website at: www.dhs.sd.gov/ada/